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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

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THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN ARTHUR HARRISON,

Defendant and Appellant.

C065330

(Super. Ct. No.  
SF111760A)

Appointed counsel for defendant Steven Arthur Harrison asked this court to review the entire record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) However, defendant only appealed from an order denying his motion for custody credits pursuant to Penal Code section 4019. We find no arguable error, and we will affirm the order denying defendant's motion for custody credits.

I

In May 2009, defendant was charged with cultivating marijuana (Health & Saf. Code, § 11358), possession of marijuana for sale (Health & Saf. Code, § 11359), and possession of a firearm by a felon (Pen. Code, § 12021, subd. (a)). Defendant responded to a notice to appear, and he was booked and released. Prior to sentencing, defendant did not serve any time in custody.

In November 2009, defendant pled no contest to cultivating marijuana (Health & Saf. Code, § 11358) and possession of a firearm by a felon (Pen. Code, § 12021, subd. (a)). In exchange for the plea, the charge of possession of marijuana for sale (Health & Saf. Code, § 11359) was dismissed and defendant was granted five years' probation. Among other things, the conditions of probation included orders that defendant serve one year in jail and that he not own, possess or control firearms, weapons or ammunition. Defendant was also ordered to pay various fines and fees. Because he had not served any days in custody prior to his plea, defendant did not receive any custody credits.

Nonetheless, in April 2010, defendant made a motion asking the trial court to "recalculate the [Penal Code] section 4019 credit given at the time of judgment and sentencing" and to "order the San Joaquin County Jail to comply with the amendments to [Penal Code] section 4019 by giving [defendant] four days credit for every two days served in custody." The trial court

denied the motion, and defendant appealed from the denial of his motion for custody credits.

## II

Appointed counsel filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

The appellate record in this case indicates that defendant did not serve any time in presentence custody. Having undertaken an examination of the record on appeal, we find no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The order denying defendant's motion for custody credits is affirmed.

\_\_\_\_\_, MAURO, J.

We concur:

\_\_\_\_\_, BLEASE, Acting P. J.

\_\_\_\_\_, HULL, J.